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Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

Report of the Sixth Committee

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I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-first session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 3rd, 4th and 26th meetings, on 12 and 13 October and on 11 November1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.3, 4 and 26).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-first session.[1]

4. At the 3rd meeting, on 12 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-first session introduced the report of the Commission on the work of that session (see A/C.6/53/SR.3).

5. At the 4th meeting, on 13 October, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/53/SR.4).

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 17* (A/53/17).

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II. Consideration of draft resolution A/C.6/53/L.7

6. At the 26th meeeting, on 11 November, the representative of Austria, on behalf of *Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cyprus,* the *Czech Republic, Denmark, Ecuador, Egypt, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India,* the *Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Malaysia, Mexico, Mongolia, Morocco, Myanmar,* the *Netherlands, Nigeria, Norway, Poland, Portugal, Romania,* the *Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain,* the *Sudan, Sweden, Thailand, Turkey, Uganda,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay, Venezuela* and *Zimbabwe*, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-first session" (A/C.6/53/L.7).

7. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.7 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its thirty-first session,[2]

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

[2] Ibid.

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on the United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-first session;[2]

2. *Commends* the Commission for the progress made in its work on receivables financing, electronic commerce, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;[3]

3. *Also commends* the Commission for holding a special commemorative "New York Convention Day" in order to celebrate the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), and a Uniform Commercial Law Information Colloquium, designed to provide information on current topics and generate discussion among experts that might be useful in the consideration of those topics by the Commission;

4. *Appeals* to Governments that have not yet replied to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards to do so;

5. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

6. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

7. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

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[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Colombia, Cyprus, Ecuador, Greece, Malta, Peru, South Africa and the United Arab Emirates;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. *Appeals* to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-third session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. *Requests* the Secretary-General to ensure the effective implementation of the programme of the Commission;

13. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.